REMARKS

Claims 1 – 20 are pending. By this amendment, claims 1, 12, and 18 are amended and claim 20 is cancelled. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

On page 7 the Office Action states that claims 4 – 9 are allowable.

On page 2 the Office Action rejects claims 1 – 3 and 10 – 20 under 35 U.S.C. § 102(b) over U.S. Patent 5,699,500 to Dasgupta (hereafter Dasgupta). This rejection is respectfully traversed.

Claim 1:

The Office Action asserts that Dasgupta discloses all that is claimed. More particularly, the Office Action asserts that Dasgupta discloses "if an active lock on the Resource is held by any of the at least one Peer Node ... determining for each active lock held on the Resource whether the requested lock conflicts with the active lock; if the requested lock does not conflict with the active lock, approving the lock request; and if the requested lock conflicts with the active lock, denying the lock request." To support the above assertion, the Office Action apparently refers to Dasgupta's claim 1.

Dasgupta is directed to a datagram messaging service for a distributed lock manager implemented on a clustered computer system that includes a number of interconnected processing nodes. The datagrams are used to transmit lock manager instructions among the processing nodes. Dasgupta devotes a great deal of print to defining a structure for distributing the datagrams and for tracking the status of locks. The heart of Dasgupta's system is a distributed lock manager (DLM) and local shared memory segments 232. The DLM includes a lock database for all locks and the shared memory segments 232 stores status and control information for all locks that are locally managed by locally by a processing node, as well as status information for all the remote locks that the processing node accesses on other processing nodes.

As in any clustered computer system, Dasgupta's processing nodes compete for system resources, and access to these resources is controlled by the local and remote locks. When two or more of Dasgupta's processing nodes seek to access the same resource, each processing node sends a resource request datagram to the DLM, or to a node that locally manages the requested resource. How the clustered computer system deals with the back and forth datagram messaging is the main focus of Dasgupta's disclosure. For example,

Dasgupta describes a sequencing process where a first request to "up-convert" a remote lock is overtaken by a second such request. Dasgupta solves the potential problem created by this out-of-sequence receipt of datagrams by use of "sequencing tickets." See column 9, line 57 – column 10, line 25. Dasgupta further describes a packet reordering process to deal with this problem. See column 15, lines 7 – 44.

Dasgupta discloses other features that are intended to deal with the potential race condition wherein multiple processing nodes compete for the same resource. Some of these features include various control daemons described in columns 10 and 11. However, in Dasgupta's system, once a processing node has acquired either a remote or a local lock on a resource, all other processing nodes are prevented from acquiring access to that resource, at least until the local or remote lock is released. This fact is clear, despite the Office Action contention to the contrary, at least in Dasgupta's claim 1. Dasgupta's claim 1 recites "a shared library providing ... [an] application ... to ... be granted a lock if said lock is available." Thus, in Dasgupta's system, if one processing node has already been granted a lock, subsequent processing nodes will not be granted that lock. Nothing in Dasgupta, including in Dasgupta's claim 1, discloses or suggests if an active lock on the Resource is held by any of the at least one Peer Node ... determining for each active lock held on the Resource whether the requested lock conflicts with the active lock; if the requested lock does not conflict with the active lock, approving the lock request; and if the requested lock conflicts with the active lock, denying the lock request.

In contrast to Dasgupta, claim 1 recites "if an active lock on the Resource is held by any of the at least one Peer Node ... determining for each active lock held on the Resource whether the requested lock conflicts with the active lock; if the requested lock does not conflict with the active lock, approving the lock request; and if the requested lock conflicts with the active lock, denying the lock request." Since Dasgupta does not disclose or suggest this feature, claim 1 is patentable.

Claim 12

Claim 12 is amended to recite all the elements of allowable claim 4. As thus amended, claim 12 is patentable.

Claim 17

Claim 17 is a computer-readable medium claim corresponding to method claim 1. As discussed above with respect to the rejection of claim 1, Dasgupta does not disclose all the features recited in claim 17, specifically "if an active lock on the Resource is held by any of the at least one Peer Node ... determining for each active lock held on the Resource whether

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the requested lock conflicts with the active lock; if the requested lock does not conflict with the active lock, approving the lock request; and if the requested lock conflicts with the active lock, denying the lock request." Accordingly, claim 17 is patentable.

Claim 18:

Claim 18 also is a computer-readable medium claim. Claim 18 has been amended to incorporate all the elements of allowable claim 7. Accordingly, claim 18 is now patentable.

Dependent Claims:

Dependent claims 2, 3, 10, 11, 13 – 16, and 19 each depend from one of patentable claims 1, 12, or 18, and for this reason and the additional features they recite, these dependent claims are also patentable.
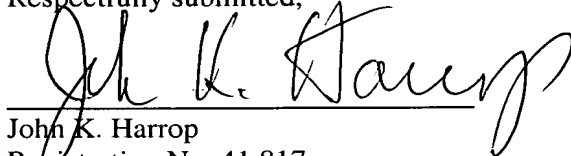
For all the reasons stated above, claims 1 – 19 are patentable. Claim 20 is cancelled and its rejection is moot. Withdrawal of the rejection of claims 1 – 20 under 35 U.S.C. § 102(b) is respectfully requested.

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: September 26, 2005

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